

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

WILLAM BARKER,

Plaintiff,

v.

CALIFORNIA HEALTH CARE  
FACILITY, et al.,

Defendants.

No. 2:19-cv-2602 CKD P

ORDER

On June 26, 2020, this court dismissed plaintiff's complaint with leave to file an amended complaint within thirty days. (ECF No. 7.) On July 10, 2020, plaintiff requested a ninety-day extension of time (ECF No. 10), which this court granted (ECF No. 11). Plaintiff has now filed his second request for a ninety-day extension of time to file an amended complaint. (ECF No. 12.) Good cause appearing, the request will be granted. However, no further extensions of time will be granted.

Plaintiff is also requesting the appointment of counsel. The United States Supreme Court has ruled that district courts lack authority to require counsel to represent indigent prisoners in § 1983 cases. Mallard v. United States Dist. Court, 490 U.S. 296, 298 (1989). In certain exceptional circumstances, the court may request the voluntary assistance of counsel pursuant to 28 U.S.C. § 1915(e)(1). Terrell v. Brewer, 935 F.2d 1015, 1017 (9th Cir. 1991); Wood v.

1 Housewright, 900 F.2d 1332, 1335-36 (9th Cir. 1990). This court previously denied plaintiff's  
2 request for appointment of counsel. (ECF No. 11.) Plaintiff has not pleaded any new facts or  
3 exceptional circumstances warranting appointment of counsel. Accordingly, plaintiff's renewed  
4 request for the appointment of counsel will therefore be denied.

5 IT IS HEREBY ORDERED that:

- 6 1. Plaintiff's motion for an extension of time (ECF No. 12) is granted;  
7 2. Plaintiff is granted ninety days from the date of this order in which to file an amended  
8 complaint. No further extensions of time will be granted; and  
9 3. Plaintiff's request for the appointment of counsel (ECF No. 12) is denied.

10 Dated: September 25, 2020

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12 CAROLYN K. DELANEY  
13 UNITED STATES MAGISTRATE JUDGE

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